CONSTITUTION
OF THE
NATIVE VILLAGE OF MARSHALL

PREAMBLE

We, the Alaska Natives of Marshall, Alaska, citizens of the United States and descendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-government as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution.

ARTICLE 1 - NAME

The name of this organization shall be the Native Village of Marshall.

ARTICLE 2 - TERRITORY

The territorial jurisdiction of the Native Village of Marshall shall extend to all lands and waters constituting the Indian Country of the Native Village of Marshall as defined by federal and tribal law. To the extent consistent with federal law, such lands and waters shall include, but not be limited to, all lands and waters customarily and traditionally used by the Marshall people, including lands withdrawn for selection by the Maserculiq Corporation for the Native Village of Marshall under the Alaska Native Claims Settlement Act (P.L. 92-20), all fee lands and allotments within the traditional lands of Marshall, regardless of the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE 3 - MEMBERSHIP

Section 1. Base Membership Roll. The membership of the Native Village of Marshall shall consist of all Alaska Natives whose names appear on the base membership roll adopted by the Marshall Traditional Council at the passage of this Constitution, provided that the Council may correct the base membership roll within two years following the adoption of this Constitution.

Section 2. Qualifications For Members. Lineal descendants of members listed on the base roll who are at least ¼ degree Alaska Native, shall be eligible to the members of the Native Village of Marshall subject to the provisions of this Constitution and to the ordinances enacted pursuant to this Constitution.

Section 3. Adoption of Members. The Traditional Council shall have the option to adopt

any person of at least ¼ degree Alaska Native, who is not a descendant of members listed on the base roll, according to the provisions of tribal membership ordinances.

Section 4. Loss of Membership. Membership may be voluntarily relinquished by written notice from a member to the council. The council may revoke Membership involuntarily for just cause upon due process of village law.

Section 5. Dual Membership. Notwithstanding any other provision of this Article, no person may be a member of the Native Village of Marshall who is also an enrolled member of another federally recognized Alaska Native village or Indian tribe.

Section 6. Membership Ordinances. The Council shall have the power to enact ordinances and resolutions, not consistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, loss of membership, and adoption of members.

ARTICLE 4 - GOVERNING BODY

Section 1. Name. The governing body of the Native Village of Marshall shall be the Marshall Traditional Council, also referred to as the Council or Tribal Council in this Constitution. The Council shall represent the Tribe and shall exercise the powers of the tribe cited in this Constitution.

Section 2. Composition. The Council shall consist of seven (7) members who shall be elected by a majority vote of the qualified voters of the tribe. All seven Council members shall be entitled to vote, except on matters involving a conflict of interest.

Section 3. Quorum. Four (4) Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council.

Section 4. Officers. The Council shall include a President, Vice-President, and Secretary/Treasurer and four (4) members. Officers shall be selected directly by the Council after a general election for the Council.

Section 5. Qualifications For Tribal Council. Any enrolled member of the Native Village of Marshall, eighteen (18) years of age or older and living in Marshall, shall be qualified to serve on the Tribal Council.

Section 6. Terms Of Officers. Council members shall serve for a term of three (3) years. The terms of the seven (7) Council members shall be staggered.

Section 7. Conflict of Interest. No Council member shall vote on any matter, including but not limited to employment contracts, project funding, project allocations and appointments to tribal committees, in which he/she has a personal interest. A personal interest includes involvement of his/her spouse, children, siblings, parents and

grandparents. Council members present when such an issue is decided shall reveal such conflict of interests prior to any vote.

ARTICLE 5 - DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall assume their respective office and duties immediately upon being elected.

Section 2. President. The President shall preside at all meetings of the tribe and shall have general supervision of the affairs of the Tribal Council. The President will sign, with the Secretary/Treasurer, all contracts, leases, or other documents approved by a quorum of the Council. He or she shall vote in all cases except on the matter of his or her removal. When the Council is not in session, he or she shall be the official representative of the Tribe.

Section 2. Vice-President. The Vice-President shall assist the President when called upon to do so. In absence of the President, he or she shall preside and when so presiding shall have the rights, privileges, duties and responsibilities of the president.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall take or delegate the taking of minutes at all meetings and elections. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all local monies and keep accurate account of the receipts and disbursements, except when these duties are otherwise delegated by the Council. The Secretary/Treasurer shall give a financial report a requested by the Council. Upon vacating his or her office, the Secretary/Treasurer shall turn over all the records and papers in his or her possession to his or her successor or to the Council.

ARTICLE 6 - MEETINGS

Section 1. Regular Meeting of the Tribal Council. Regular meetings of the Council shall be held monthly: the time, place and date to be designated by the Council. Notice of the meetings shall be posted at least three (3) days prior to the meetings, in three (3) public places in Marshall. All regular meetings shall be open to the tribal membership.

Section 2. Special Meetings. The Council or the President may call a special meeting upon giving at least twenty-four (24) hour notice to tribal members, posted in at least three (3) public places In Marshall.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without Notice when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, tribal enrollment

and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings. A meeting of the tribal membership of the Native Village of Marshall shall be held once a year. The date, time, and place to be determined by the council. A tribal membership meeting may also be called by the Council upon receipt of the petition signed by at least thirty (30) percent of the voting tribal members. In the event that the Council fails to call for a meeting election upon receiving a petition by the tribal membership, tribal members may hold a tribal membership meeting to address the issue. Twenty-five percent (25%) of the qualified voting tribal membership shall constitute a quorum at tribal membership meetings. Notice shall be posted in at least three (3) public places two weeks prior to any tribal membership meetings.

ARTICLE 7 - REMOVAL, RECALL, FORFEITURE, VACANCIES

Section 1. Removal. Any Tribal Council member found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council. Four (4) Tribal Council members must vote in favor of the removal. A Council member subject to removal shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. No member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this Section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final and may not be reviewed by the Tribal Court.

Section 2. Recall. Any member of the Tribal Council may be recalled by the tribal voters if a petition requesting such recall signed by at least sixty percent (60%) of the qualified voters is presented to the Tribal Council. The Tribal Council shall within sixty (60) days of receipt of such petition call an election to consider the recall of the named official. If a
majority of the voters vote in favor of the recall, the official shall be removed. No official maybe subjected to recall proceedings more than once in the course of his or her term. If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal membership meeting to conduct such business.

Section 3. Forfeiture. Any member of the Tribal Council who submits a written resignation, dies, is convicted of a felony while in office, or is absent from three (3) regular meetings without being excused by the Council shall automatically forfeit his or her office.

Section 4. Vacancies. Any vacancy in the Tribal Council shall be filled by appointment by the Tribal Council. A Tribal Council member appointed to fill a vacancy shall serve for the un-expired portion of the term of his/her predecessor.

ARTICLE 8 - ELECTIONS

Section 1. Voter Qualifications. Any duly enrolled member of the Native Village of Marshall eighteen (18) years of age or older, has resided in the village for at least one (1) year, shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret ballot. The outcome of an election shall be determined by majority vote of the qualified voters casting their ballots during the election unless otherwise specified by this Constitution.

Section 3. Tribal Council Elections. The Tribal Council shall set a date every year for regular elections to be held in October in Marshall, and shall give at least two (2) weeks Notice of such elections, posted in at least three (3) public places in Marshall. If the Tribal Council fails to hold Tribal Council elections the tribal membership may hold a tribal membership election upon gathering a petition by at least thirty percent (30%) of the voting tribal members.

Section 4. Special Elections. The Council may, by resolution, call a special election upon giving at least a two (2) week Notice to the tribal members, posted in at least three (3) public places in Marshall.

Section 5. Election Committee. The Council shall appoint an election committee of three adult tribal members each year prior to the election to supervise, administer, and conduct all tribal elections. The election committee shall certify the election of tribal officials. In the event of election disputes, the determination of the election committee shall be final. No member of the election committee shall at the same time be a member of the Council or a candidate for a position on the Council.

Section 6. Election Ordinance. An election ordinance, consistent with this Constitution, shall be adopted by the Council following the effective date of this Constitution which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 9 - POWERS OF THE NATIVE TRIBE OF MARSHALL

Section 1. Powers. The Tribal Council shall exercise the following powers by appropriate activity, motion, resolution or ordinance, subject to any limitations imposed by this Constitution or applicable laws of the United States:

a) To consult, negotiate, contract or conclude agreements with the federal, state, local and tribal governments on activities which may affect the Native Tribe of Marshall.

b) To promote and protect the peace, health, education and general welfare of the members of the tribe, and to administer charity and such other services as may contribute to the social and economic development of the tribe and its members.

c) To levy and collect taxes, fees, and assessments for the tribal purposes.

d) To regulate the internal procedures of the Tribal Council.

e) To encourage, guard and foster traditional cultural practices of the Marshall Native people, including the arts, crafts, religion, language and customs of the Native people of Marshall.

f) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets without the consent of the Native Tribe of Marshall.

g) To acquire property and accept gifts.

h) To administer tribal assets including funds and manage all economic affairs and enterprises of the tribe.

i) To engage in tribal economic development enterprises for the benefit of tribal members.

j) To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts and other judicial bodies.

k) To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.

l) To pass ordinances governing future membership, loss of membership and the adoption of members.

m) To regulate inheritance among members whether by intestacy or otherwise.

n) To administer any funds within the control of the Tribe.

o) To regulate child custody and other domestic relations among tribal members.

p) To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the tribe or upon, which its members rely for subsistence.

q) To regulate and control the use of natural resources within those areas under

the jurisdiction of the Tribe.

r) To employ legal counsel, the choice of counsel, the fixing of fees, subject to the approval of the Secretary of the Interior, so long as it is required by federal law.

s) To join and/or charter housing authorities.

t) To protect members' rights in personal property.

u) To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the tribe.

v) To enact ordinances consistent with this Constitution and Federal law for the conduct and regulation of gambling.

w) To enact ordinances, procedures and regulations necessary to give effect to any provisions of this Constitution and to exercise powers not prohibited by federal law.

Section 2. Omissions. Any rights and powers vested in the Native Village of Marshall but not expressly referred to in this Constitution shall not be lost or reason for their omission, but may be exercised by the Council, upon approval by referendum.

ARTICLE 10 - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of the Tribe shall have the right to bring issues to a vote, not inconsistent with this Constitution, through a valid petition signed by at least thirty percent (30%) of the qualified voters. The Council shall call an election to be conducted by the election committee no later than sixty (60) days after receipt of the petition. If the Council fails to act on the petition, the issue may be brought before a tribal membership meeting. An affirmative vote by a majority of qualified voters at a tribal membership meeting where a quorum has been established, shall be required to determine the Tribe's position on the issue submitted to a vote.

Section 2. Referendum. The Council by an affirming vote of at least (3) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted by the election committee within sixty (60) days of such Council decision. An affirmative vote by a majority of the qualified voters at the tribal membership meeting where a quorum is established, shall be required to determine the Tribe's position on the issue submitted to a vote.

Section 3. Initiative and Referendum Decisions. The decisions of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or

expires by its own terms.

ARTICLE 11 - RIGHTS OF MEMBERS

Section 1. Access to Tribal Records. Tribal members shall have the right to review all tribal records including financial records at any reasonable time in accordance with procedures established by the Tribal Council except in child welfare cases, litigation, personnel, enrollment records and confidential records as defined by tribal ordinance.

Section 2. Proposal of Ordinances. Tribal members have the right to propose ordinances to the Tribal Council. Tribal members have the right to be present and allowed to speak at tribal meetings when ordinances are being considered and/or voted upon.

Section 3. Indian Civil Rights. The Tribal shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the Tribal Government shall:

1) Not prohibit the free exercise of speech, press, religion or rights of the people to assemble peacefully or file grievances against the tribal government.
2) Not allow unreasonable search and seizure or issue search warrants without probable cause.
3) Not try anyone for the same offense twice.
4) Not make any person testify against him/herself in a criminal matter.
5) Not take private property for public use without paying the owner the fair market value.
6) Not deny a person the right to a speedy public trial. A speedy public trial is generally assumed to be a trial within ninety (90) days or less. The accused person must be informed of the nature of the crime he/she is accused of, told about the witnesses against him/her, be allowed to have witnesses testify in his/her favor and be allowed a lawyer at his/her own expense.
7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal Courts cannot impose a penalty greater than $5,000 or one (1) year in jail, or both for the one offense.
8) Give all persons equal protection under tribal laws.
9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not pass an ordinance or change penalties, after an incident (Ex Post Facto).
10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six (6) persons.

ARTICLE 12 - SOVEREIGN IMMUNITY OF MARSHALL

Nothing in this Constitution shall be considered or interpreted to be a waiver of the sovereign immunity of the Native Village of Marshall. The sovereign immunity of the

Tribe may only be waived by express resolution of the Tribal Council, after a referendum in which the waiver is approved by the affirmative vote of the majority of tribal members qualified to vote. A waiver shall apply only to claims specified in such resolution and permitted by this Constitution and federal law. However, the Tribal Council shall have the authority to waive the sovereign immunity of the Native Village of Marshall without approval in a referendum solely for the purposes of satisfying the conditions or requirements of Federal or State grants or contracts. Waivers of sovereign immunity shall not be general but must be specific and limited to duration, grantee, transaction, claims, property or funds of the Tribe subject to the waiver, as well as specific to the court having jurisdiction and applicable law.

Waiver of sovereign immunity of the Tribe shall not be considered a general consent to levy any judgment, lien or attachment upon property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution. A waiver which fails to comply with this Article shall be invalid.

ARTICLE 13 - SAVINGS SEVERABILITY

Section 1. Savings. Unless inconsistent with this Constitution, all tribal legislation enacted prior to the adoption of this Constitution shall remaining effect.

Section 2. Severability. If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE 14 - AMENDMENTS

Section 1. Amendments by the Tribe. This Constitution may be amended by a majority vote of the qualified voters of the Native Village of Marshall voting in an election called for that purpose by the Council in which at least thirty percent (30%) of the qualified voters take part.

ADOPTION

Section 1. Effective Date. This Constitution, when adopted by a majority vote of the qualified voters of the Native Village of Marshall voting in an election called for that purpose by the Council shall be effective from the date of tribal membership approval.

Section 2. Transition. Traditional Council members elected prior to the adoption of this Constitution shall remain in office until the first election under this Constitution.

CERTIFICATE OF RESULTS OF ELECTION

qualified voters of the Native Village of Marshall voting in an election called for that purpose by the Council shall be effective from the date of tribal membership approval.

Section 2. Transition. Traditional Council members elected prior to the adoption of this Constitution shall remain in office until the first election under this Constitution.

CERTIFICATE OF RESULTS OF ELECTION

On July 19, 2007, the Constitution of the Native Village of Marshall was duly adopted by the tribal members entitled to in an election in which at least thirty percent (30%) of the qualified voters cast their ballots.

Election Committee Member Signature: Printed Name:

Francina Myers — Francina Myers Date: 7-19-07

Election Committee Member Signature: Printed Name:

Grace Heeldt — Grace Heeldt Date: 7-19-07

Election Committee Member Signature: Printed Name:

Maureen Larson — Maureen Larson Date: 7-19-07